

BOARD OF APPEALS CASE NO. 5349

*

BEFORE THE

APPLICANTS: Jon-Daniel & Amanda Bierman

*

ZONING HEARING EXAMINER

**REQUEST: Variance to create a lot with an 85 foot
lot width; 1212 Bush Road, Abingdon**

*

OF HARFORD COUNTY

*

Hearing Advertised

*

Aegis: 4/23/03 & 4/30/03

HEARING DATE: June 11, 2003

*

Record: 4/25/03 & 5/2/03

* * * * *

ZONING HEARING EXAMINER'S DECISION

The Applicants, Jon-Daniel Bierman and Amanda Lee Bierman, are requesting a variance pursuant to Section 267-36B, Table IV of the Harford County Code to subdivide a lot with less than the required 100-foot width (85-feet proposed) in an R1/Urban Residential District.

The subject parcel is located at 1212 Bush Road, Abingdon, MD 21009 and is more particularly identified on Tax Map 62, Grid 2D, Parcel 133. The subject parcel consists of 1.5 acres, is zoned R1/Urban Residential and is entirely within the First Election District.

Mr. Jon Bierman appeared and testified that he wishes to subdivide his property into two lots of approximately equal dimensions. The present lot is 112 feet to the rear and 117 feet to the front along Bush Road but is 597 feet in width. To the north lies another parcel along Bush road and to the south is a 3 acre parcel with 3 houses. To the east is Bush Road and to the west and rear is the Harford Town Community swimming pool. Because a single access will be provided for the two lots that will be panhandled, the actual useable width of the parcel will remain over 100 feet even though the plat will show a reduction in width under 100 feet because of the deeded panhandle. From a visual perspective, however, the front lot will look the same as if it had not been subdivided. The Applicant felt this was a unique configuration. The Applicant stated that he plans to maintain as many trees as possible but felt that his ability to control a new owner in this regard was limited.

Case No. 5349– Jon-Daniel Bierman & Amanda Bierman

Mr. Anthony McClune appeared as Chief of the Current Planning Division of the Department of Planning and Zoning. The department is recommending approval of the subject request. McClune agreed that the subject lot was uniquely configured and that the one-drive access would serve to satisfy the purposes of the Code provision requiring a minimum 100-foot width. McClune, responding to questions raised on cross examination by a neighboring property owner, suggest a condition of approval could be added to require maintenance of a 20 foot undisturbed tree buffer along the northern property line of Lot 1.

While there was cross-examination by neighboring property owners, nobody appeared and offered opposition testimony in this matter.

CONCLUSION

The Applicants, Jon-Daniel Bierman and Amanda Lee Bierman, are requesting a variance pursuant to Section 267-36B, Table IV, of the Harford County Code to subdivide a lot with less than the required 100-foot width (85-feet proposed) in an R1/Urban Residential District.

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Hearing Examiner agrees with the Applicant and the Department that the subject property is unique in shape. After subdivision both lots will still be significantly larger than the minimum required in the R1 zone, and the single drive configuration will satisfy the lot width restrictions set forth in the Code. No adverse impact to adjacent properties will result from the grant of a variance regarding width.

Case No. 5349– Jon-Daniel Bierman & Amanda Bierman

For the foregoing reasons, the Hearing Examiner recommends approval, subject to the following conditions:

1. The Applicant prepare a preliminary plan to be submitted to and reviewed by the Department of Planning and Zoning,
2. The final plat shall provide for a 20 foot forested buffer on the northern property line of Lot 1.
3. The Applicants shall submit a final plat to the Department of Planning and Zoning for approval and recordation among the land records of Harford County, Maryland.
4. Lots 1 and 2 shall enter into a common drive agreement which agreement shall be approved by the Department of Planning and Zoning and recorded with the final plat.

Date JULY 18, 2003

**William F. Casey
Zoning Hearing Examiner**